

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

No Claims are amended.

Claim Rejections – 35 U.S.C. § 112

On page 2 of the Office Action, the Examiner rejected Claims 1-23 and 25-29 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Examiner stated:

Claims 1-23, 25-29 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written restriction requirement. The claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.... Regarding claims 1-23, 25-29, the limitation of determining a device type without analyzing or determining the frequency of transmission of the received RF control signal is not disclosed in the specification. The mere absence of a positive recitation is not basis for an exclusion. (MPEP §2172.05(i)).

Applicants respectfully traverse the Examiner's rejections.

MPEP §2172.05(i) also states that “a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a *prima facie* case for lack of descriptive support”, citing *Ex parte Parks*, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993). In *Ex parte Parks*, at 30 USPQ2d 1236-1237, the board explains that “[a]dequate description under the first paragraph of 35 U.S.C. § 112 **does not require literal support** for the claimed invention.... Rather, it is sufficient if the originally-filed disclosure would have conveyed to one having ordinary skill in the art that the [applicant] had possession of the **concept** which is claimed.” (emphasis added).

Here, while the language at issue (e.g., “a control circuit coupled to the wideband receiver, the control circuit having a training mode in which the control circuit is configured to determine a device type associated with the RF control signal **without first determining the frequency of transmission of the received RF control signal**”) is not literally recited in the specification, Applicants respectfully submit that the specification reasonably and clearly conveys to one skilled in the art that the inventors had possession of the concept which is claimed.

Paragraph [0022] of the present applications recites (emphasis added):

Wideband receiver 51 may be used to acquire the control or data code of a control signal **while the frequency of transmission of the control signal is left undetermined**. FIG. 3A shows a circuit diagram of an exemplary untuned wideband receiver or detector 302. An inductor 306 functions as an antenna and is configured to receive an RF signal and convert it to a voltage. The voltage is then rectified (or detected) by a diode 308, for example, a schottky diode or a zero bias diode. **A capacitor 310 stores the detected voltage and serves as a low pass filter that filters out the RF carrier frequency and leaves the baseband data or modulation**. The voltage at capacitor 310 may be a few millivolts up to several hundred millivolts. An amplifier 312 may be used to increase the signal for use by a control circuit or processor. **Circuit 302 is responsive to all RF signals**. For weaker signals, the transmitter, e.g., a garage door transmitter, may be held close to the wideband receiver in order to be detected.

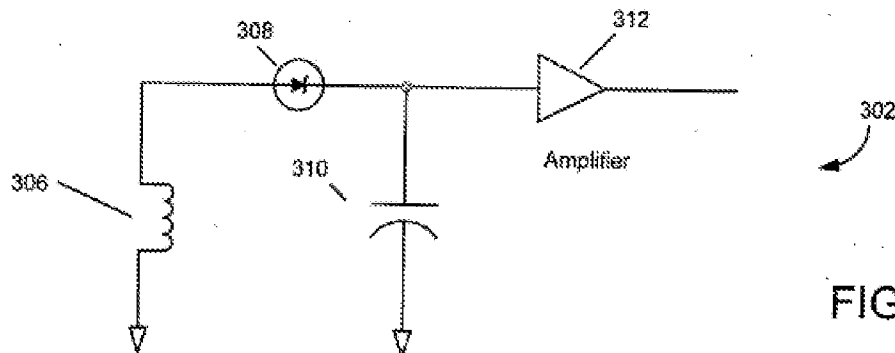


FIG. 3A

Applicants respectfully submit that a person of skill in the art, having read para. [0022] and reviewed FIG. 3A (above) would understand that the modulation or data output by amplifier 312 and processed by the control circuit **is not used to determine frequency of transmission of the received RF control signal**. Paragraphs [0025]-[0030] provide many examples of ways the baseband data or modulation (e.g., output from amplifier 312) is used to identify a device type **without first determining the frequency of transmission of the received RF control signal**.

Applicants respectfully submit that further relevant support for the claimed concept is found in the text relating to FIG. 3B in para. [0023] (with emphasis added):

... A capacitor 3222, after a diode 320, serves as a low pass filter that **filters out the RF carrier and leaves the baseband data or modulation**. An amplifier 324 may be used to increase the signal for use by a control circuit or processor. As mentioned previously, wideband receiver 51 may acquire data, such as the control code, of the control signal **but the frequency of the control signal is left undetermined**. In other words, **the exact RF carrier frequency of the remote transmitter does not need to be known or learned at the same time as the control code** (i.e., when the RF control signal is received by the receiver)....

Applicants respectfully submit that it is clear from at least the above text quoted from paras. [0022] and [0023] that the control code is extracted **without learning frequency information**. The control code and identified data characteristics thereof “may be used to determine the type of remote system (e.g., the particular manufacturer of the remote system corresponding to the remote transmitter 60 and the electronic system 62).” (para. 0026). **Then, “[t]he system type information (e.g., a particular manufacturer or a remote system of a particular manufacturer) is used by control circuit 52 to determine or identify a transmission frequency (or RF carrier frequency) or frequencies that may be used by transceiver 50 to transmit the control code for the electronic system 62.”**

Applicants respectfully submit that the Examiner's rejection under 35 U.S.C. § 112, first paragraph, has been overcome. The undersigned respectfully requests an examiner interview if the Examiner is unconvinced by the above explanation of the present application and wishes to maintain the 35 U.S.C. § 112 rejection.

Applicants respectfully submit that the concepts claimed in Claims 1-23 and 25-29 are clearly disclosed in the present application and respectfully requests that the rejections thereof be withdrawn.

* * *

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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